

**STATE OF CONNECTICUT
REGULATION
OF**

NAME OF AGENCY

DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

CONCERNING

SUBJECT MATTER OF REGULATION

**Amendment of sections 22a-241b-1 and 22a-241b-2
of the Regulations of Connecticut State Agencies (RCSA)**

Section 1. Section 1 of section 22a-241b of the Regulations of Connecticut State Agencies is amended to read as follows:

[Mandatory]Designated Recycling

Section 22a-241b-1. Definitions

- (1) "Boxboard" means a lightweight paperboard made from a variety of recovered fibers having sufficient folding properties and thickness to be used to manufacture folding or set-up boxes such as cereal boxes and shoe boxes. As used in this section, boxboard does not include boxboard that has been treated with a wax or laminate coating nor any removable plastic liners.
- (2) "Cardboard" means corrugated boxes and similar corrugated and kraft paper materials which have a minimum of contamination by food or other material.
- (3) "Colored ledger paper" means uncoated, printed or unprinted colored groundwood-free ledger, bond, writing, and other paper which has similar fiber and filler content.
- (4) "Glass [Food Container]food container" means a glass bottle or jar of any size or shape used to package food products suitable for human or animal consumption.
- (5) "High density polyethylene container" or "HDPE container" means a plastic container that, exclusive of closure or label, is composed of high density polyethylene with a density of 0.94 grams per cubic centimeter or greater, and has an ASTM Resin Identification Number of 2 as defined in ASTM D7611 Standard Practice for Coding Plastic Manufactured Articles for Resin Identification . As used in this section, HDPE containers shall not include containers which contained motor oil, pesticides, herbicides or other hazardous substances.
- (6) "Intermediate [Processing Center]processing center" means a facility which can recycle an item or items and market or deliver for reuse the resulting material product or products.

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Such facilities may be owned by public or private entities or combinations thereof and may offer service on a state, regional, municipal, or submunicipal level.

- (7) "Leaves" means the foliage of trees.
- (8) "Local [Processing System] processing system" means a facility or technique authorized by a municipality and acceptable to the [Commissioner]commissioner which can recycle an item or items and market or deliver for reuse the resulting material product or products.
- (9) "Magazines" means coated periodicals, catalogues, and similar printed materials which may contain a small percentage of uncoated newtype paper.
- (10) "Market" means to sell or deliver a recyclable item to a consumer who will reuse it or dispose of it for reuse in a material product.
- (11) "Metal [Food Container]food container" means an aluminum, bi-metal, steel, tin-plated steel, or other metallic can, plate or tray of any size or shape used to package food products suitable for human or animal consumption.
- (12) "Newspaper" means used or discarded newsprint which has a minimum of contamination by food or other material.
- (13) "Office [Paper]paper" means used or discarded high-grade white paper and [Manila] manila paper including, but not limited to, paper utilized for file folders, tab cards, writing, typing, printing, computer printing, and photocopying, which is suitable for recycling and which has a minimum of contamination. [For purposes of Sections 22a-241b-1 to 22a-421b-4, office paper generated by households is excluded.]
- (14) "Plastic Container" means any plastic packaging having a relatively inflexible finite shape or form, with a maximum capacity of three fluid gallons or its equivalent volume, that is capable of maintaining its shape while holding other products, including, but limited to, bottles, cartons and other receptacles.
- (15) "Polyethylene terephthalate container", "PET container", or "PETE container" means a plastic container that, exclusive of closure or label, is composed of polyethylene terephthalate, a saturated thermoplastic polyester resin and has an ASTM Resin Identification Number of 1 as defined in ASTM D7611 Standard Practice for Coding Plastic Manufactured Articles for Resin Identification. As used in this section, PET or

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PETE containers shall not include containers which held motor oil, pesticides, herbicides or other hazardous substances.

- (16) "Recycle" for the purposes of [Sections]sections 22a-241b-1 to 22a-241b-4, inclusive, of the Regulations of Connecticut State Agencies means to separate or divert an item or items from the solid waste stream for the purposes of processing it or causing it to be processed into a material product, including the production of compost, in order to provide for disposition of the item or items in a manner, other than incineration or landfilling, which will best protect the environment. Nothing in this definition shall preclude the use of waste oil as fuel in an oil burner.
- (17) "Regional [Processing Center]processing center" means an intermediate processing center which is authorized by a group of municipalities or designated by the [Commissioner]commissioner which can recycle an item or items and market the resulting material product or products.
- (18) "Residential high-grade white paper" means uncoated, printed or unprinted white groundwood-free ledger, bond, writing, and other paper that has similar fiber and filler content generated in a household setting.
- (19) "Scrap [Metal]metal" means used or discarded items which consist predominantly of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel, or alloys thereof, including, but not limited to, white goods and metal food containers.
- (20) "Storage [Batteries]batteries" means lead acid batteries or other batteries used in motor vehicles such as automobiles, airplanes, boats, recreational vehicles, tractors and like applications.
- (21) "Waste [Oil]oil" means crankcase oil that has been utilized in internal combustion engines.

Section 2. Section 2 of section 22a-241b of the Regulations of Connecticut State Agencies is amended to read as follows:

Section 22a-241b-2. Items to be recycled

- (a) (1) The following items are required to be recycled by each municipality [within] not later than [three] six months [of] after availability of service to the municipality by a regional processing center or local processing system: (A) boxboard, [(A)](B) cardboard, [(B)](C)

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glass food containers, (D) HDPE containers, [(C)](E) leaves, (F) colored ledger paper, (G) magazines, [(D)](H) metal food containers, [(E)](I) newspaper, [(F)](J) office paper, (K) PET or PETE containers, (L) residential high-grade white paper, [(G)](M) scrap metal, [(H)](N) storage batteries, and [(I)](O) waste oil.

- (2) After January 1, 1991, no approval to landfill or incinerate the items specified in subdivision (a)(1) of this section may be granted by the [Commissioner]commissioner pursuant to subsection (b) of [S]section 22a-241b-4.
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Statement of Purpose:

The proposed regulations update the list of designated recyclable items that every person and entity in Connecticut is required to recycle. Pursuant to Public Act 10-87, the Department of Energy and Environmental Protection is required to expand the list of designated recyclable items in Regulations of Connecticut State Agencies ("RCSA") section 22a-241b. The proposed regulations include only those items specified in Public Act 10-87 including certain plastic containers, magazines, and boxboard. The purpose of this revision is to promote recycling in the state by ensuring easily recycled materials are diverted from disposal, thereby conserving energy and natural resources. In addition to environmental benefits, increased recycling helps municipalities save money by reducing costs due to decreasing the volume of solid waste disposed.

In addition to the materials currently required to be recycled, the proposed regulations expand the list of designated recyclable items as follows:

- containers of three gallons or less made of polyethylene terephthalate [PET #1] plastic and high-density polyethylene [HDPE #2] plastic; and

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- additional types of paper, including, but not limited to, boxboard, magazines, residential high-grade white paper and colored ledger.

The proposed revisions reflect strategy #2-2 of the Solid Waste Management Plan for Connecticut and Policy Action #43 of the Connecticut Climate Change Action Plan.

These proposed revisions are consistent with Public Act 10-87 and do not conflict with any existing laws or regulations.

DRAFT

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Certification Page

CERTIFICATION

Be it known that the foregoing (check one) ☒ Regulations ☐ Emergency Regulations
 are (check all that apply) ☐ Adopted ☒ Amended as hereinabove stated ☐ Repealed
 by the aforesaid agency pursuant to section(s) 22a-6 and 22a-241b of the *General Statutes*
 and/or Public Act number(s) 10-
87

(If applicable) after publication of notice of intent in the *Connecticut Law Journal* on September 6,
 2011 _____

(If applicable) and the holding of an advertised public hearing on n/a _____;

WHEREFORE, the foregoing regulations are hereby (check all that apply)

☐ Adopted ☒ Amended as hereinabove stated ☐ Repealed

EFFECTIVE: (check one, and complete as applicable)

☒ When filed with the Secretary of the State

OR ☐ (insert date) _____

In Witness Whereof:	DATE 2/9/12	SIGNED (<i>Head of Board, Agency or Commission</i>) /s/ Daniel C. Esty	OFFICIAL TITLE, DULY AUTHORIZED Commissioner
APPROVED by the Attorney General as to legal sufficiency in accordance with <i>CGS Section 4-169, as amended</i>			
	DATE 2/27/12	SIGNED (<i>Attorney General or AG's designated representative</i>) /s/ Joseph Rubin	OFFICIAL TITLE, DULY AUTHORIZED Assoc. Atty. General
Or <input type="checkbox"/> DEEMED APPROVED by the Attorney General in accordance with <i>CGS Section 4-169, as amended</i> , due to failure to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.			
	DATE	SIGNED (<i>Head of Board, Agency or Commission</i>)	OFFICIAL TITLE, DULY AUTHORIZED

(For Regulation Review Committee Use ONLY)

☐ Approved ☐ Rejected without prejudice
☐ Approved with technical corrections only ☐ Disapproved in part, (*Indicate Section Numbers disapproved*)
☐ Deemed approved pursuant to *CGS 4-170(c)* as amended

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By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE	SIGNED <i>(Administrator, Legislative Regulation Review Committee)</i>
Two certified copies received and filed and one such copy forwarded to the Commission on Official Legal Publications in accordance with CGS Section 4-172, as amended.		
DATE	SIGNED <i>(Secretary of the State)</i>	BY

INSTRUCTIONS

1. All regulations proposed for adoption, amendment or repeal, *except* emergency regulations, must be presented to the Attorney General for his/her determination of legal sufficiency. (See CGS Section 4-169.)
2. After approval by the Attorney General, original and eighteen (18) copies of all regulations proposed for adoption, amendment or repeal must be presented to the standing Legislative Regulation Review Committee for its action. (See CGS Section 4-170.)
3. Each proposed regulation must be in the form intended for publication and each section must include the appropriate regulation section number and section heading. (See CGS Section 4-172.)
4. New language added to an existing regulation must be in underlining or CAPITAL LETTERS, as determined by the Regulation Review Committee. (See CGS 4-170(b).)
5. Language to be deleted must be enclosed in brackets []. (See CGS 4-170(b).)
6. A new regulation or new section of a regulation must be preceded by the word "(NEW)" in capital letters. (See CGS Section 4-170(b).)
7. The proposed regulation must have a statement of its purpose following the final section of the regulation. (See CGS Section 4-170(b).)
8. Additional information regarding rules and procedures of the Legislative Regulation Review Committee can be found on the Committee's web site: <http://www.cga.ct.gov/rr/>.
9. A copy of the Legislative Commissioners' Regulations Drafting Manual is located on the LCO website at <http://www.cga.ct.gov/lco/LCODraftRegu.asp>.